



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

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## *House of Representatives*

### PROTECT MILITARY BENEFITS FOR FORMER SPOUSES

**HON. BOB FILNER**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

**MR. FILNER:** Mr. Speaker and colleagues, I rise to call attention to my bill, H.R. 2393, ``Continued Benefits for Injured Spouses Act".

Under current law, enacted in 1982, former spouses of military members or retirees are eligible for military medical benefits and exchange and commissary privileges if the military member had performed at least 20 years of military service, had been married for at least 20 years to one spouse, and 20 years of marriage and service were overlapping. This is known as the 20/20/20 restriction. Further legislation was enacted two years later to include additional former spouses under a 20/20/15 restriction.

While this law recognizes the contribution and sacrifice of many military spouses who later divorced, there is a group who are completely left out through no fault of their own. Spouses who must leave a marriage through divorce due to documented abuse are often left with none of these benefits. Domestic violence and physical or sexual endangerment to the spouse or the children, proven by medical or counseling records, should be taken into account. Divorced because of this situation, the injured spouse should continue to receive all benefits.

H.R. 2393 will change the law to 20/20/10 only for these special circumstances, meaning that the military member would have been married for at least 20 years to one spouse, would have performed at least 20 years of military service, with 10 years of service and marriage overlapping. This change would allow an abused spouse to escape from a potentially dangerous marriage and still keep benefits.

Teresa, a woman in my Congressional District, has found herself in these circumstances. She told me, 'I didn't begin this marriage looking for a way to divorce. I believe in commitment, and there were some good years. But had I known when I married him how he would hurt me and endanger my life, I would have backed away. I have done all I can to keep this marriage together. His response to legal separation was to come over and throw our 15 year old around until I called the police. I will never allow him to hurt our children again.'

Most of our military members are honorable and good people. But, in the few cases where spousal or child abuse is involved, we must protect the families. I invite my colleagues to join with me in supporting military spouses who have found themselves in dangerous marriages.

